

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

TEMP-AIR, INC.

and

Case 18-CA-147152

TEAMSTERS LOCAL 970

DECISION AND ORDER

Statement of the Case

On June 8, 2015, Temp-Air, Inc. (the Respondent), Teamsters Local 970 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

At all material times, the Respondent has been a Minnesota corporation with an office and place of business in Burnsville, Minnesota (the Burnsville facility), and has been engaged in the manufacture, service, and nonretail sale of heating, ventilation and air conditioning equipment.

During the calendar year ending December 31, 2014, the Respondent, in conducting its operations described above, purchased and received goods at its Burnsville facility valued in excess of \$50,000 directly from points outside the State of Minnesota.

At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Temp-Air, Inc., Burnsville, Minnesota, its officers, agents, successors, and assigns, shall:

1. Cease and desist from

(a) Refusing to bargain collectively in good faith with the Union by failing or refusing to furnish the Union, at its request, relevant and necessary information for bargaining purposes and for responsibilities as bargaining representative of the Respondent's employees in the appropriate unit; including a list of bargaining unit members and information regarding bargaining unit members' wages, benefits, overtime hours, W-2 statements, and job titles. The appropriate bargaining unit is set forth in the collective-bargaining agreement effective from August 1, 2010 to July 31, 2013.

(b) In any manner failing or refusing to bargain in good faith, or impeding or interfering with the efforts of its employees' said exclusive representative to bargain collectively on their behalf and to represent them properly in accordance with the requirements of the Act, or thereby interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days from the date of the Board's Order, supply or make available to the Union a list of bargaining unit members and information regarding bargaining unit members' wages, benefits, overtime hours, W-2 statements (redacted to exclude social security numbers), and job titles, as requested in the Union's February 4, 2015 letter.

(c) Within 14 days of service by the Region, post at its Burnsville, Minnesota facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by Region 18, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that,

during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since January 1, 2015.

(d) In addition to physical posting of paper notices, the Notice to Employees shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., August 24, 2015

_____ Mark Gaston Pearce,	Chairman
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_____ Philip A. Miscimarra,	Member
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_____ Kent Y. Hirozawa,	Member
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(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

As you may know, Teamsters Local 970 filed charges with the National Labor Relations Board alleging that we have violated the National Labor Relations Act. The charge has been investigated and settled. As part of the Settlement Agreement, we have agreed to post this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT fail or refuse to bargain collectively in good faith with your Union, Teamsters Local 970, by failing to comply with its request for information related to the bargaining unit, including a list of bargaining unit members and information regarding bargaining unit members' wages, benefits, overtime hours, W-2 statements (redacted to exclude social security numbers), and job titles.

WE WILL NOT in any like or related manner fail or refuse to bargain with, impede, or interfere with the efforts of Teamsters Local 970 to bargain collectively on your behalf or to represent you under the National Labor Relations Act; or thereby interfere with, restrain, or coerce you in the exercise of your rights guaranteed in Section 7 of the National Labor Relations Act.

WE WILL furnish or make available to Teamsters Local 970, at its request, information related to the bargaining unit, including a list of bargaining unit members and information regarding bargaining unit members' wages, benefits, overtime hours, W-2 statements (redacted to exclude social security numbers), and job titles; and

WE WILL bargain in good faith with Teamsters Local 970 regarding that information and matters related to it.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

TEMP-AIR, INC.

The Board's decision can be found at www.nlrb.gov/case/18-CA-147152 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, or by calling (202) 273-1940.

